

REMARKS

In response to the restriction requirement set forth in the Office Action mailed April 27, 2010, Applicants hereby provisionally select Group I, claims 1-22, 34 and 36 for continued examination with traverse. Additionally, Applicants elect the species of formula I, shown in claim 11, and if necessary, specific compound 1,2-bis-(di-tert-butylphosphinomethyl)benzene for initial examination with the understanding that should the elected species be deemed allowable, examination will be expanded to additional species. Currently, claims 1-12, 16-22, 34 and 36 encompass the elected species.

First, Applicants respectfully traverse the Restriction between groups I and III. As claimed, group I is drawn to a catalyst system (i.e. subcombination), and group III is a reaction medium incorporating the catalyst system (i.e. combination). Since the combination requires the subcombination, "a requirement for restriction must not be made or maintained, even if the subcombination has separate utility." (See MPEP 806.05(c)(I)) Applicants respectfully request reconsideration of the restriction between groups I and III, and request the claims of group I and III be examined together. If necessary, Applicants provisionally elect ethylene as a species of ethylenically unsaturated compound. Claims 1-22, 26-28, 34 and 36 should be examined. In this group, claims 1-12, 16-22, 26-28, 34, and 36 encompass the elected species

Second, Applicants have amended claim 29 to state "a process comprising using the catalyst system," and believe this claim now falls within Group II as defined in the restriction requirement.

Applicants further understand that claims to products or processes that "depend from or otherwise require all the limitations of an allowed claim" may be rejoined with the elected invention, in accordance with MPEP 821.04.

Conclusion

Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is hereby invited to telephone the undersigned at the number provided.

The Commissioner is authorized to charge any deficiency in any patent application processing fees pursuant to 37 CFR § 1.17, including extension of time fees pursuant to 37 CFR § 1.17(a)-(d), associated with this communication and to credit any excess payment to Deposit Account No. 22-0261.

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Respectfully submitted,

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